

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ISAIAH PARRA, individually and as  
parent and next friend of AP and EP, minor children,  
and ROSEMARY PARRA,

Plaintiffs,

v.

No. 1:22-cv-181 LF/KRS

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY, GEICO INSURANCE  
COMPANY, LIBERTY MUTUAL INSURANCE  
COMPANY, and OHIO SECURITY INSURANCE COMPANY,

Defendants.

**ORDER TO SHOW CAUSE**

THIS MATTER is before the Court *sua sponte*. Defendant State Farm Mutual Automobile Insurance Company removed this action to this Court on March 9, 2022, (Doc. 1), and filed an answer to Plaintiffs' First Amended Complaint on March 10, 2022, (Doc. 3). The docket does not reflect that any other defendant has been served or has filed an answer or other responsive pleading.<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff was required to serve Defendants within ninety days of filing the complaint. In addition, Rule 41(b) of the Federal Rules of Civil Procedure authorizes the Court to dismiss an action *sua sponte* for failure to prosecute. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003); *see also* D.N.M. LR-Civ. 41.1 ("A civil action may be dismissed if, for a period of ninety (90) calendar days, no steps are taken to move the case forward."). More than ninety days have passed since Plaintiff

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<sup>1</sup> While Defendant State Farm states in its Notice of Removal that Defendant GEICO Insurance Company "was dismissed from this action before State Farm was served" (Doc. 1) at 2, Defendant State Farm has not filed copies of records and proceedings from the state court action as is required by Local Rule 81.1(a). By separate order, the Court will require Defendant State Farm to file those records.

took any step to move this case forward as to Defendants GEICO Insurance Company, Liberty Mutual Insurance Company, or Ohio Security Insurance Company.

**IT IS THEREFORE ORDERED** that **on or before June 24, 2022**, Plaintiff must provide the Court with a written explanation showing good cause why this case should not be dismissed as to Defendants GEICO Insurance Company, Liberty Mutual Insurance Company, and Ohio Security Insurance Company for failure to prosecute.

A handwritten signature in cursive script, reading "Kevin Sweazea".

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KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE